

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

)

) CR No. 10-233

v.

)

DAMEL M. GAINES

MEMORANDUM ORDER

Defendant, proceeding pro se, filed a Motion to Reduce Sentence for Post Rehabilitation under 18 U.S.C. § 3553. In this matter, Defendant pleaded guilty to one Count of violating 21 U.S.C. § 846, a conspiracy involving five kilograms or more of crack cocaine. On February 9, 2012, Defendant was sentenced to a term of imprisonment of 262 months, followed by a term of supervised released. Defendant is presently incarcerated at FCI Fort Dix. According to the Bureau of Prisons inmate locator, his release date is September 26, 2029. Defendant appears to seek a reduction in sentence or early release based on a number of factors, including rehabilitation, health issues, and post-sentencing reductions in the sentencing guidelines.

As the Government contends, Defendant is not eligible for much of the relief sought, due to factors such as the amount of controlled substances involved. In terms of Defendant's health, a district court has limited authority to modify a sentence. Under the FSA, prisoners may request compassionate release for "extraordinary and compelling reasons." 18 U.S.C § 3582(c)(1)(A)(i). Defendant contends that he has diabetes and hypertension, but has not submitted any medical records reflecting these diagnoses. The Court cannot rely on his bare assertions. While I recognize Defendant's laudable efforts while incarcerated, and do not minimize his familial and other concerns, it remains that he has not demonstrated entitlement to relief at this time. For these reasons, and the additional reasons identified by the Government, his Motion must be denied.

AND NOW, this 27th day of January, 2022, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in cursive script, reading "Donetta W. Ambrose".

Donetta W. Ambrose
Senior Judge, U.S. District Court